Previous references.

File No. 320-04

1905.

Serial Nos. 144

(dead 18)

Later references.

L.B. 477-05 No 1-2
309-10 (142)

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1 & 4

Part B. for December 1905

SUBJECT.

Levy of fees on the Traffic Coming within the weekly market premises in the Inam Village of Ganaganur, Chamrajnagar Tk.

FILE No. 320 of 1904-05.

Levy of fees on the traffic coming within the weekly market premises in the Inam village of Ganaganur, Chamrajnagar Taluk.

1	From the President of the District Board of the Mysore District, No. 796, dated 23rd March 1905. Solicits instructions as to whether under the terms of the sannad (copy enclosed) the Inamdar of Ganaganur village is entitled to the fees proposed to be levied from the weekly market in his village.
2	To the same officer, No. 10513, dated 15th May 1905. Requests him to give more precise information as to the nature of the fees the Inamdar wishes to impose on the traffic referred to in the above.
3	From the same officer, No. 281, dated 4th September 1905. States that the Inamdar wishes to levy fees on traffic entering the market premises in consideration of some arrangements made by the Inamdar for the convenience of the people collecting at the Shandy.
4	To the President of the District Board, Mysore, No. 6413, dated 18th December 1905. Declines to grant permission to levy fees in the market premises of the Inam village of Ganaganur in the Chamrajnagar Taluk.

G. R. S. 11] 1904-05

GENERAL AND REVENUE SECRETARIAT.

(Le 83)

NOTES.

320
04.05
File No. 320

FILE HEADING.

Levy of fees on traffic coming within the weekly market premises in the Inam village of Ganaganur in the Chamarajanagar Taluq. Mysore Dt.

From.

The President of the district Board of the Mysore district

No. 796 Dated 23.3.05 Received 27.3.05

Diary No. 6543	Enclos. 1	Spare Copies.	Serial No. 1

BRIEF ABSTRACT OF LETTER.

Solicits instructions as to whether, under the terms of the Sanad (Copy encloses) the Inamdar of Ganaganur village is entitled to the fees proposed to be levied from the weekly market in his village.

NOTES AND ORDERS.

1. The Copy of the Sanad shows that the Inamdar is [illegible] to levy tax on such items as "ಬಂಡಿ ಹುಂಡಿ" (tolls) and "ಸುಂಕದಾಯ" (Shandies &c).

2. It is stated that the Inamdar enjoys

MGCPB—30,000—17-2-05.

Serial No.

to utilize the collections for affording water, communication and other conveniences to the public. The President argues that as the cess levied on the value of inam villages is credited to District Funds in the same proportion in which the cess is charged on the Raiyatwar assessment it is doubtful whether it is not the District Board that can undertake such works with such local taxes. Under sec 20 (cl 7) Regn II of 1902 Market fees are creditable to Dn Funds. 3 Submitted for orders as to whether Branch I may be consulted in regard to the Inamdar's right for the item & precedents.

12/4/05

(Copy sent up for Govt's file vide 392 in also subd today)

4 Gs &
18/4/1205

To Branch I
S.J 18/4

5 Submitted. — The request of the Inamdar to levy market fees amounts to his asking for being authorized to impose a new tax in his village. The imposition of any new tax should be by Govt alone, and this prerogative of Govt cannot be and has not been, conceded to any Inamdar.

6 If the fees have been duly imposed by Govt, the next question arises as to who is entitled to the fees levied — whether

NOTE—Contn. sheet

Serial No.

the Inamdar or the Government. If the fees imposed are under any rule or regulation that was not in existence nor was anticipated at the time of the grant of the Inam such fees cannot be taken as having been included in the expressions used in the Sanad. The fees therefore belong to Govt.

G.O. No. R 1831-9 dt- 4-1-1906. Hag W.

On this principle it has been decided that Inamdars are not entitled to the proceeds from cattle pounds, the realizations therefrom being under a Regulation of Govt passed subsequently.

7 "ಸಂಕಲಬಾಬು (Sankalababu)" in the Sanad in question cannot be taken to include "market fees" which are levied under recent rules. The Inamdar does not therefore appear to be entitled to it.

8 A reference may, however, be made to the Superintendent of Inam Settlements and his opinion obtained.

Hag 19/4/05 9 The Sanad declares that miscellaneous items of revenue viz ಸುಂಕ & ಪಾರುವಾರು are items have been conceded to the Inamdar. Evidently the Inamdar now asks the principle to levy tolls & octroi in his jurisdiction ~~under the Sanad~~. The levy of tolls and octroi is of recent introduction and the Inamdar cannot therefore be entitled to an item of revenue

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Serial No.

which never existed at the time of the grant of the village. No doubt it is said in the Sanad that the Inamdar is entitled to what is known as "Sunka Dastoor". This probably refers to the 'Hasal' or Sunka levied on goods in transit, which is different from "Sunka" levied on articles brought for sale into the market. Granting that Dastoor and Sunka correspond to the present Octroi duty & Tolls respectively, the Inamdar is not entitled to revive the old System owing to the non-user of the right for several years.

Subd (g) "The Dy Comm's letter (Exh (g)) does not show what is the nature of the fees the Inamdar wishes to collect whether fees on carts coming into the market or other goods brought therein. In either case, the Inamdar has no right to levy them it being the exclusive prerogative of Govt to levy such taxes. Even in the case of Local Boards special sanction of Govt is necessary in such cases. On the analogy of Inamdar the decision regarding fees from cattle-stands

Flag D

NOTE—Contn. sheet

MGCPB—50,000—17-2-05

Serial No.

the Lhandar has no right to the collections from these sources as these are new taxes quite distinct from the obsolete taxes mentioned in the sanad

B.
19/4/05

To Branch IV.

3/4/14

A.G. 9 dy 20/4

We may as well await ourselves of the mature views of the Lhasa Govt. I do not know if an Lhandar cannot levy tax on shops held on his own land.

Insuffl. Reg: No 1119 dy 20/4/05 forwarded to the Assam Govt for favor of opinion.

20/4/1905 Secy to Govt

N. O. No. 5 dy 2-5-05

8

It appears to me that if an Lhandar's Sanad confers the right to levy certain fees or fines, the right is "mutatis mutandis." He cannot impose new taxes or maintain or revive obsolete ones but on the other hand if Govt makes better rules regarding the levy of fees &c in Govt villages I do not see why

6/5/05

MGCPB—20,000—1-11-04.

Serial No.

the Inamdar, whose Sanad confers certain rights in general terms, should not benefit by such new rules.

In the case now in point the Inamdar of Sanquanur seeks to levy certain fees which are apparently leviable in Govt. villages. If the terms of his Sanad confer the right to levy the fees in question, under a general head, I do not think that the fact of the levy being under subsequent orders should militate against his right. The Inam settlement confers all rights, Sandal excepted. As regards the devotion of the proceeds to certain purposes, if such devotion is laid down by law then the Inamdar is equally bound but if the devotion is optional with Govt. it should be optional with the Inamdar. I may not have properly understood the question but what I wish to make clear is my opinion that in Inam villages where the right to a certain source of revenue is admitted the administration should usually be on the same lines as in

NOTE.—Contn. sheet.

File No. 370 of 1904.

Serial
No.

Govt. rel Mayer

2.5.05.

L.C.

P.O.D
5-96/5

MGCPB—50,000—17-2-05

Serial No.

Submitted with the opinion of the Inam Superintendent.

K.P. 9.5.05.

Ask the Dist. Board to submit more precise information as to the nature of the fees which the Inamdar wishes to impose; whether they are fees in the shape of cart-registration fees, or tolls upon carts, or rents for the use of the market. K.P. 9.5.05

Submitted with draft.

K.P. 9.5.05 10/5.

Passed 12.5.1905

2. To the President, Dt. Bd. Ellpore 105/3 d 15-5-05
Requests him to give more precise information as to the nature of the fees the Inamdar wishes to impose on the traffic coming within the weekly market premises in the Inam village of Ganagapur.

3 From the same officer no. 281 dated 4.9.05.
Submits a ~~copy of~~ yadi no 11 dated 29.8.05 furnishing detailed information regarding the levy of fees in the Inam village of Ganagapur and states that the Inamdar wishes to levy a fee on the traffic entering the market premises in consideration of some

† Paper under Original —

NOTE—Contn. sheet.

Serial No.

arrangement made by the inamdar for the convenience of the people collecting at the Shandy.

16 The Inamdar proposes to levy the following fees at rates noted against each.

Laden Cart —— u — 2 — u

Laden (Country Cart) Vaddura bandy } u — 1 — u

Laden animal u — u — 6

Head Load — u — u — 3

17 The Inamdar states that a garden and a tope with a drinking water well have been set a part for the use of the public ~~I~~ In addition to which a building has also been constructed to afford Shelter to those who may halt on the nights of the Shandy days. A ~~Necessary~~ Conservancy establishment has been arranged for.

The Inamdar further proposes to Construct stalls for the use of the merchants out of the Savings that may accumulate in Course of time and to let out the Stalls so constructed.

Submitted for orders. The L. B Regulations KD. 1902 applies to non-municipal areas or 9.9.06 villages, whether Govt or alienated, (Vide Sec 3) and under Sec 20 cl. V. the Dist.

NOTE.—Contn. sheet.

Serial No.

20 Under Section 20 of the L. B. Regulation, only District boards are competent to levy market fees.

RJ 11/9/05

13/9/05

21 Submitted to the Diwan Saheb for orders. I do not know if an Amildar can not levy fees in respect of carts &c. entering upon his land & attend sales held on it. It will be in the nature of rent for the use of his land. PSK

14.9.1905

8626/16.9.05 22. I do not agree with the Secretary. The matter being an important one may be circulated to the Commissioner for their opinions the matter be dealt with as a Council matter

17.IX.05

23 To. The Registrar for circulation

20/9/1905

Mull 22-9-05

24 Council. The general question raised must be answered in the negative. That is to say no new taxes or fees can be levied by an Amildar

Serial No.

Vent for the use of this ground and conveniences or other facilities created by this he can certainly make any private agreement with the parties using them subject to existing prescriptive rights or Easements in favour of the general public.

24. XI. 03 Mitch.

MGCPB—50,000—17-2 05

8767

12

GENERAL AND REVENUE SECRETARIAT.

Matter for Council Meeting to be held on the 24th Novr 1905
at Bangalore —

Subject.

Re Whether Inamdars are entitled to levy fees on traffic coming within the weekly market-premises in their respective villages.

Circulated to Councillors.

By Order,
23rd Septr 1905. Secretary.

1. Raja Mantra Pravina Seen Q.
C. Sreenivasaiyar Esq 25-9-05
First Councillor

C.402
23.IX.1905

2. Rao Bahadur
C. Madiah Esq Seen
Second Councillor 26/9/05.

25/9/1905

9928.
29.11.05

14/15.9.05

To Council
26.9.1905

G.R. S. 17

Extract from the Proceedings of the 120th *Meeting of the Council of His Highness the Maharaja, held at Bangalore on the* 24th Nov. *1905.*

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26. I. **Subject--** *(Clause* VIII *of the Schedule.)*

Whether Inamdars are entitled to levy fees on traffic coming within the weekly market premises in their villages.

Opinions of the Dewan and Councillors.

The general question raised must be answered in the negative, that is to say, no new taxes or fees can be levied by an Inamdar. But, for the use of his ground or for other facilities and conveniences created by him, an Inamdar can certainly make any private agreement with the parties using them, subject to existing prescriptive rights or easements in favour of the general public.

(Signed) P. N. Krishna Murti
Dewan of Mysore

V Ramaswamy Iyengar

Submitted to His Highness.

7 The Inamdar of Ganganur in the Chamarajanagar Taluk having applied for permission to levy fees on traffic coming within the weekly market premises in his village, in consideration of the arrangements made by him for the convenience of the people collecting at the Shandy, the President of the District Board of Mysore referred the question for the orders of Government.

After a full consideration of the subject in the Council, it was resolved that an Inamdar was not entitled to levy new taxes or fees, but that, for the use of his ground or for other facilities and conveniences created by him, he could make any private arrangement with the parties using them, subject to existing prescriptive rights or easements in favor of the general public. This recommendation may be approved.

2·XII·05

Record of Case submitted for the orders of His Highness the Maharaja.

393

396
8-12-05

Subject.

Application of an Inamdar to levy fees on traffic coming within the weekly market premises in his village.

Order.

The order may simply state that permission to levy fees cannot be granted.

~~KRW~~
8/12/05

30. Orders as
noted
9-XII-05

G.R.S. 12]

General and Revenue Secretariat

a/B File No. 320 of 1904-05

Serial No.	
31	Submitted with draft — KP Dtd 12-12-05
32	Passed 14-12-1905
33	
34	The Presdt. Dt. Bd. Mysore No 6413d 18.12.05 Declines to grant permission to levy fees in the market premises of the Inam Village of Ganagamur in the Chamarajanagar Taluk

MGCPB—20,000—1-11-04.

3205

Facing Sheet for Cases included in the schedule appended to Notification No. 36 of the 8th Aug. 1902.

GENERAL AND REVENUE SECRETARIAT.

Subject— whether Inamdars are entitled to levy fees on traffic coming within the weekly market-premises in their respective villages

	Date	Initial of Officer himself or responsible Deputy.
Received in the Secretariat	27.3.05 7.9.05	
Submitted to Secretary	13.9.05	
Submitted by Secretary to Dewan ~~or Councillor-in-charge~~	14.9.05	
Returned to Secretary	20.9.05	
Circulated by Secretary for Council ...	23.9.05	
Forwarded by 1st Councillor	25.9.05	
Forwarded by 2nd Councillor	26-9-05	
Received in Secretariat	26.9.1905	
Considered in Council	24-11-05	
Submitted to the Dewan	29-11-05	
Submitted to His Highness	3.12.05	
Orders passed by His Highness	8.12.05	
Final Orders issued	18.12.05	
Circulated to I Councillor	6.1.06	
Passed on by the 1st Councillor... ...	9-1-06	
Returned to Secretary by Councillor...	13/1/06	

C.241
8.1.1906

RD
13.1.06

Circulated to the 2nd Cy.

G. R. S. 15

1904 | 00 / 1 D 2.0 (1)

IV mm (0 [illegible] 27) 05 LBR 320-04801

From

H. H. Sparke Esqr.

President of the D Board

Nagpur Dist

To

B. K. Venkataramanadiengah Esqr.

Secretary to the Govt of Nagpur

Genl and Revenue Dept.

Dated 23rd March 05

Despatched 25

Received

General No. 796

No.

Enclosure No. 1

Solution instructions to

levy fees on the traffic

coming from the weekly

market premises in Gunapanur

No 796 — LBH 320-04 SL 1 — By Commissioners office Mysore District
Ex 1 — Local Board Branch
Dated Mysore 23rd March 05.

To

B. K. Venkatavaradarajar Esqr.
Secretary to the Government of Mysore
General and Revenue Departments.

Sir,

I have the honor to state that Prince Gopalraj Urs, Inamdar of Ganaganur in the Chamarajanagar Taluk has applied for permission to levy fees on the traffic coming within the weekly market premises in his village, in view to utilize the collections for affording water, communication and other conveniences to the public. The Inamdar bases his claim for the enjoyment of such fees under the general term "Saule Babu" occurring in the Sanad, (a copy of which is herein enclosed for ready

reference). As the cess levied on the value of inam villages is credited to District Funds in the same proportion in which the cess charged on the Raiyatwar assessment is done, I feel doubtful whether it is not the District Board that can undertake such works, with such local taxes. But before finally expressing my views on the point, I beg to solicit instructions; whether, under the terms of the Sanad, the Inamdar is entitled to the proceeds from the weekly market fees.

I have the honor to be,

Sir,

Your most obedient Servant,

H H Spoerry

President of the

NB District Board

Mysore District

G.R.S. 26]

File No. 320
Serial No. (2)

Diary No. of letter replied to 6548

No. 10573 — 2
Encl

General and Rev. Secretariat
( )
, *the* 190 .

To

The President of the
District Board of the Mysore
District.

Date of issue 15. 5. 05

Signed by Mr Venkatvarada Iyengar

His letter no: 796 dated the 23rd March 1905 Soliciting instructions as to whether, under the terms of the copy of the Sanad enclosed, the Inamdar of Ganaganur village is entitled to the fees proposed to be levied from the weekly market in his village

With reference to the above he has the honor to request the President to be good

over.

SUBJECT.

Calling for further information regarding the levy of fees on traffic coming within the weekly market premises in the Inam village of Ganaganur

Chamarajanagar Taluq

IV
Nov 7-9-05
1905-06.

IA 5711

(3)

From H. H. Starke Esqr.
President & Board
Mysore District

To B. K. Veerabasavaradhya Esqr
Secretary to the Govt of Mysore
General and Revenue Depts

Dated 6th Sept 05.

Despatched 5

Received

General No. 281
No.

Enclosure No. 2

Re the collection of fees
in the Sanagam weekly
markets

No 281

Ee 2

Office of the Commissioner of Police
Bangalore District
Local Boards Branch
Dated Bangalore 4th September 05

LB 320/04 dt no 3.

To

B. H. Venkataramana Rangar Esqr.
Secretary to the Government of Mysore
General and Revenue departments.

Sir,

With reference to your dockets
No 10513, F. B (320-04)-2 of the 2nd May
1905 calling for further information
as to the nature of fees which the
inamdar of Sanagama wishes to
collect in the weekly mandai &
have the honor to submit herewith
Enquiry No 1 of the 29th August 1905
furnishing detailed information
on the subject. It will be seen
therefrom that what the inamdar
wishes to do is to levy a fee on the

traffic entering the market 1

[illegible] consideration of some

arrangements ought to be made for the

convenience of the people collected

[illegible] at the Market Day. The Copy of

Memorial received with your address

under reply is herewith transmitted

I have the honour to be

Sir,

Your most obedient servant

Will Parker

Mayor

NS/

G.R.S. 28]

File No. 320
Serial No. 4.

Diary No. of letter replied to 2200

Proceedings of the Government of His Highness the Maharaja of Mysore.

GENERAL AND REVENUE SECRETARIAT.

( )

, the 190

Date of issue 18-12-05

Signed by Sra Ramanujam

READ.—

Correspondence ending with letter no: 281 dated the 4th September 1905 from the President of the District Board of Mysore soliciting instruction as to whether under the terms of the copy of the Sanad enclosed, the Inamdar of Ganagaur Village in the Chamarajanagar Taluq may be permitted to levy fees on traffic coming within the weekly market premises in his village

ORDER THEREON.—No.

over

SUBJECT

MGCPB—20,000—24-2-05

Order thereon :- 6413 Encl 2 dt 18-12-05

L.B.(320-04) —

Permission to keep

fees can not be granted.

14/12/1905

Secretary

13/12/05 Sd/- 12/12/05

90 The President of the District

Board of Mysore with the

Vernacular paper. (Encl 2)

16.12

16/12